

Assembly Bill No. 1420

CHAPTER 601

An act to add Section 101042 to the Health and Safety Code, and to add Sections 3270.5 and 3270.6 to the Public Resources Code, relating to oil and gas.

[Approved by Governor October 8, 2015. Filed with
Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1420, Salas. Oil and gas: pipelines.

Existing law requires the Division of Oil, Gas, and Geothermal Resources to prescribe minimum facility maintenance standards for oil and gas production facilities, including pipelines that are not under the jurisdiction of the State Fire Marshal. Under the division's regulations, an owner or operator of an active environmentally sensitive gas pipeline that is a gathering line or an urban pipeline over 4 inches in diameter is required to perform a mechanical integrity test on the pipeline every 2 years, unless it is less than 10 years old.

This bill would require the division, by January 1, 2018, to review and evaluate, and update as appropriate, its existing regulations regarding all active gas pipelines that are 4 inches or less in diameter, in sensitive areas, and 10 years old or older, as specified. The bill would define active gas pipelines as inservice gas pipelines of any diameter within the division's jurisdiction. The bill would require operators of active gas pipelines in sensitive areas, by January 1, 2018, to submit to the division maps identifying the location of those pipelines and other locational information, as provided. The bill would require the division to perform random periodic spot check inspections to ensure that the submitted maps are accurately reported. The bill would require the division to maintain a list of active gas pipelines in sensitive areas.

Existing law establishes local health departments, under the purview of the local health officer. Existing law prescribes various duties for those local health departments, including supervising remediation when hazardous waste is released and enforcing statutes relating to public health.

This bill would require a local health officer or his or her designee, if he or she is notified of a leak in an active gas pipeline within a sensitive area and makes certain determinations, to take certain actions related to the leak, working collaboratively with the division and the owner or operator of that pipeline. The bill would require the local public health officer or his or her designee to direct the responsible party to notify residents affected by the leak if he or she determines that the leak poses a serious threat to public health and safety. Because the bill would require a local health officer or

his or her designee to provide a higher level of service to the public, this bill would impose a state-mandated local program.

This bill would require an owner or operator of an active gas pipeline in a sensitive area, upon discovery of a leak from the pipeline, to notify the division and the appropriate local health officer or his or her designee of the leak. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) In March 2014, a gas leak was detected beneath the community of Arvin, California. Families were evacuated from their homes and unable to return for several months.

(b) Existing regulations for the regular testing and evaluation of smaller diameter pipelines like the one that leaked in Arvin, California were insufficient to protect that community from a serious gas leak.

(c) In view of the Arvin, California leak, the Division of Oil, Gas, and Geothermal Resources should review and reassess its existing regulations for active gas pipelines that are four inches or less in diameter and update its regulations to ensure the integrity of those active gas pipelines and to prevent, as far as possible, damage to life, health, property, and natural resources.

(d) Given its jurisdiction and expertise, the Division of Oil, Gas, and Geothermal Resources has the authority to determine the appropriate methods for assessing the integrity of active gas pipelines.

SEC. 2. Section 101042 is added to the Health and Safety Code, to read:

101042. (a) If the local health officer or his or her designee is notified of a leak in an active gas pipeline, that is within the jurisdiction of the Division of Oil, Gas, and Geothermal Resources and within a sensitive area, pursuant to Section 3270.6 of the Public Resources Code and the local health officer or his or her designee determines that the leak poses a risk to public health or safety and that the response to the leak has been inadequate to protect the public health or safety, the local health officer or his or her designee shall, working collaboratively with the division and the owner or operator of the pipeline, do both of the following:

(1) Direct the responsible party to test, to the satisfaction of the agency overseeing the testing, the soil, air, and water in the affected area for contamination caused by the leak and disclose the results of the tests to the public.

(2) Make a determination, based on the result of the tests, on whether the leak poses a serious threat to the public health and safety of residents affected by the leak, and require the responsible party to provide assistance, including temporary relocation, to those residents if the local health officer or his or her designee so determines.

(b) If the local health officer or his or her designee determines, based on the results of the test, that the leak poses a serious threat to public health and safety, the local health officer or his or her designee shall direct the responsible party to notify all residents affected by the leak.

(c) The responsible party shall be liable for the costs incurred by the local health officer or his or her designee pursuant to this section.

(d) Providing resident assistance and reimbursement for local health officer expenses shall not relieve a responsible party from liability for damages, and a responsible party shall not condition assistance or request a waiver of liability from the recipient of the assistance.

SEC. 3. Section 3270.5 is added to the Public Resources Code, to read:

3270.5. (a) (1) By January 1, 2018, the division shall review and evaluate, and update as appropriate, its existing regulations regarding all active gas pipelines that are four inches or less in diameter, located in sensitive areas, and 10 years old or older. The division shall make a written finding of its review and evaluation of these pipelines.

(2) In its review and evaluation, the division shall consider existing pipeline integrity, pipeline leak detection, and other pipeline assessment requirements imposed by other regulators to determine which of these forms of assessment meet the division's needs.

(3) The regulations shall ensure the integrity and operation of these active gas pipelines pursuant to Sections 3106 and 3270.

(b) (1) By January 1, 2018, an operator of an active gas pipeline in a sensitive area shall submit to the division, as part of compliance with pipeline management plan requirements pursuant to Section 1774.2 of Title 14 of the California Code of Regulations, an up-to-date and accurate map identifying the location of the pipeline and other up-to-date and accurate locational information of the pipeline as determined and in a format specified by the division.

(2) The division shall perform random periodic spot check inspections to ensure that the information submitted pursuant to paragraph (1) is accurately reported.

(3) The division shall maintain a list of active gas pipelines in sensitive areas.

(c) For purposes of this section, the following terms are defined as follows:

(1) "Active gas pipeline" means an inservice gas pipeline regardless of diameter that is within the division's jurisdiction.

(2) “Sensitive area” means any of the following:

(A) An area containing a building intended for human occupancy, such as a residence, school, hospital, or business, that is located within 300 feet of an active gas pipeline and that is not necessary to the operation of the pipeline.

(B) An area determined by the supervisor to present significant potential threat to life, health, property, or natural resources in the event of a leak from an active gas pipeline.

(C) An area determined by the supervisor to have an active gas pipeline that has a history of chronic leaks.

(d) This section does not affect or limit the authority of the supervisor pursuant to Section 3106, 3270, or any other section of this code, or any regulation implementing those sections.

SEC. 4. Section 3270.6 is added to the Public Resources Code, to read:

3270.6. Upon the discovery of a leak from an active gas pipeline that is within a sensitive area, as defined in Section 3270.5, the owner or operator of the pipeline shall promptly notify the division and the local health officer, or his or her designee, of the jurisdiction in which the leak is located.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.